

(c) REMARKS

This Preliminary Amendment is being filed to address the issues raised by the Examiner in the Advisory Action dated July 19, 2006. In the Advisory Action, the Examiner indicated that a potential issue with respect to new matter may have been raised by proposed new claim 12 in the Amendment After Final Rejection filed on June 29, 2006. Specifically, the Examiner alleged that the application, as filed, does not support a broad recitation regarding an AI hydroxycarboxylic compound. The Examiner stated that the disclosure at page 45, lines 10-17, refers to the compound of formula (13).

Solely in order to expedite prosecution, and without acquiescence with the Examiner's position, Applicants have amended claim 12 by changing its dependency from claim 1 to claim 9, which recites formula (13). Support for this amendment may be found, *inter alia*, in the specification on pages 38, 39 and 45. Thus, Applicants submit that no new matter has been added and that no issues with respect to the adequacy of written description are raised by the now pending claims 1, 4-6 and 8-12.

Favorable consideration of the above claims in view of the remarks presented by Applicants in the Amendment After Final Rejection, withdrawal of all outstanding rejections and expedient passage of the case to issue are respectfully requested.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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